

S.R. 116 - By Edwards: Extending congratulations to Father Esteban Jasso Gonzalez on the occasion of his 25 years of service in the priesthood.

S.R. 117 - By Parker: Expressing gratitude to the participants in the South East Texas Foster Grandparent Program.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:54 a.m. adjourned until 11:00 a.m. tomorrow.

TENTH DAY

(Tuesday, May 1, 1990)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Ellis, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Zaffirini.

Absent-excused: Armbrister, Brown, Glasgow, Montford, Santiesteban, Whitmire.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Sims and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might meet immediately to consider **S.R. 118**.

AT EASE

The President announced at 11:06 a.m. the Senate would stand At Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

The President at 11:27 a.m. called the Senate to order as In Legislative Session.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, on this the last day of the 4th Called Session of the 71st Legislature we pray, asking You to provide each Member the will to persist and the diligence to finish the job. We give thanks this morning for these who spend and lend their talent here as they sort through the priorities to meet the needs of our State. May the discussion in past weeks assist in making judgment on issues soon to be reconsidered on another day.

In Your name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Brooks, Senators Armbrister, Brown, Glasgow, Montford, Santiesteban and Whitmire were granted leave of absence for today on account of important business.

CAPITOL PHYSICIAN

Senator Harris was recognized and presented Dr. William "Bill" Ross of Carrollton.

Dr. Ross, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.B. 1 (Signed subject to Art. III,
Sec. 49a of the Constitution)
S.C.R. 17
S.C.R. 20
H.B. 91
H.B. 131
H.B. 137
H.B. 150
H.C.R. 13
H.C.R. 17
H.C.R. 26
H.C.R. 42
H.C.R. 43
H.C.R. 44
H.C.R. 47
H.C.R. 48
H.C.R. 49
H.C.R. 51
H.C.R. 55

REPORT OF STANDING COMMITTEE

Senator Sims submitted the following report for the Committee on Administration:

S.R. 118**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 91 by Harris Economic Development
Relating to certain security requirements for registration as a talent agency.

S.B. 92 by Henderson, Brooks, Brown, Intergovernmental Relations
Green, Whitmire
Relating to requiring an election before the adoption or implementation of a rail plan by certain metropolitan rapid transit authorities.

CO-AUTHORS OF SENATE RESOLUTION 118

On motion of Senator Dickson and by unanimous consent, Senators Bivins, Brooks and Edwards will be shown as Co-authors of S.R. 118.

**SENATE RESOLUTION 123
(Caucus Report)**

Senator Brooks offered the following resolution:

Honorable William P. Hobby
President of the Senate
Austin, Texas

Sir:

At a caucus held on May 1, 1990, and attended by 22 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto, he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Clerk, Calendar Clerk, Journal Clerk, and Sergeant-at-Arms. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvement as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of the supplies and equipment on hand in the Purchasing and Supply Department and close his books for the 4th Called Session of the 71st Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the 4th Called Session of the 71st Legislature; when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate; one volume thus bound shall be forwarded by the Secretary of the Senate to each Member of the Senate, the Lieutenant Governor, and to each Member of the House of Representatives on request. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the

Chairman of the Committee on Administration; provided, further, that it shall be the duty of said chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the preexisting law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 71st Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 71st Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual Member's office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the Members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time period from the end of the 71st Legislature, 4th Called Session, until the convening of the next regular or special session, each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a payroll of \$15,500 per month. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of his office or incident thereto, shall be provided in addition to the maximum salary authorized.

In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of Members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of Members and committees must use compensatory/overtime within 18 months of the month in which the time was accrued. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any Member of the Senate, the Secretary of the Senate, or other Senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are hereby authorized upon

the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That each of the standing committees and subcommittees of the Senate of the 71st Legislature be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by Resolution, the Lieutenant Governor, or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That the operating expenses of this committee shall be paid from the Contingent Expense Fund of the Senate, and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee.

Any Members not returning for the 72nd Legislature will vacate their Senate offices by December 15, 1990; and, be it further

RESOLVED, That no employee of the Senate shall during the time he or she is employed furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not without permission receive any compensation from any person, firm, or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged; and, be it further

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

/s/Chet Brooks

Chairman of the Caucus

/s/O. H. Harris

Secretary of the Caucus

The resolution was read and was adopted viva voce vote.

ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM, SEVENTY-FIRST LEGISLATURE, FOURTH CALLED SESSION

The President announced that the time had arrived for the election of the President Pro Tempore Ad Interim, 71st Legislature, 4th Called Session.

On motion of Senator Brooks, Senator Bob McFarland of Arlington was elected by acclamation to serve and was administered the Oath of Office by the President.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to the Board of Directors of the Texas Turnpike Authority, consideration of these appointments having been postponed yesterday until 11:00 a.m. today.

NOMINEES CONFIRMED

Senator Edwards moved confirmation of William P. Mahomes, Jr., Philip Montgomery and Jere William Thompson, Jr., to be Members of the Board of Directors of the Texas Turnpike Authority.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Armbrister, Brown, Glasgow, Montford, Santiesteban, Whitmire.

SENATE NOTIFIED

A Committee from the House of Representatives appeared at the Bar of the Senate and Representative Guerrero for the Committee notified the Senate that the House had adjourned sine die.

SENATE RESOLUTION 118 ON SECOND READING

On motion of Senator Dickson and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading:

S.R. 118, Creating a select interim committee to examine potential sources of dedicated funding to support construction, improvements and the acquisition of capital equipment among the campuses and extension centers of the Texas State Technical Institute.

The resolution was read second time and was adopted viva voce vote.

MOTION IN WRITING

Senator Brooks offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

BROOKS

The Motion in Writing was read and was adopted viva voce vote.

Accordingly, the President announced the appointment of the following Committee to Notify the House of Representatives: Senators Green, Haley, Johnson, McFarland and Truan.

MOTION IN WRITING

Senator Brooks offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

BROOKS

The Motion in Writing was read and was adopted viva voce vote.

Accordingly, the President announced the appointment of the following Committee to Notify the Governor: Senators Barrientos, Caperton, Krier, Parker and Ratliff.

MOTION TO ADJOURN SINE DIE

On motion of Senator Brooks, the Senate at 11:47 a.m. agreed to adjourn sine die upon the completion of administrative duties.

GOVERNOR NOTIFIED

The Committee appointed to Notify the Governor that the Senate had adjourned sine die appeared at the Bar of the Senate and Senator Caperton for the Committee reported to the Senate they had completed their assigned task.

The President discharged the Committee.

HOUSE OF REPRESENTATIVES NOTIFIED

The Committee appointed to Notify the House of Representatives that the Senate had adjourned sine die appeared at the Bar of the Senate and Senator Haley for the Committee reported to the Senate they had completed their assigned task.

The President discharged the Committee.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 1

H.C.R. 41

H.C.R. 46

CONGRATULATORY RESOLUTIONS

H.C.R. 1 - (Ellis): Honoring Walter H. Criner for his dedication and service as Chairman of the Board of Regents of Texas Southern University.

H.C.R. 41 - (Caperton): Declaring Georgetown the Red Poppy Capital of Texas.

H.C.R. 46 - (Harris): Extending congratulations to James Cody Geneva on his Texas citizenship.

S.R. 119 - By Barrientos: Honoring Estela G. Chapa for her unwavering commitment to the education of the young people of Texas.

S.R. 120 - By Zaffirini: Recognizing the week of May 1-7, 1990, as State Physical Fitness and Sports Week.

S.R. 121 - By Haley: Extending congratulations to Whit Yandle on his 99th birthday.

S.R. 122 - By Haley: Declaring May 19, 1990, as Portia Hill Day in both Palestine and Nacogdoches to honor her for her outstanding performance in basketball and for her contributions to young people in the community.

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the 4th Called Session of the 71st Legislature had arrived.

Senator Parker at 12:18 p.m. moved that the Senate stand adjourned sine die in accordance with a motion previously adopted.

The President declared the 4th Called Session of the 71st Legislature adjourned sine die.

APPENDIX

Sent to Comptroller
(May 1, 1990)

S.B. 1

Signed by Governor
(May 1, 1990)

H.C.R. 45

Vetoed by Governor
(May 1, 1990)

H.B. 150

Sent to Governor
(May 2, 1990)

S.C.R. 8

S.C.R. 14

S.C.R. 17

S.C.R. 20

Signed by Governor
(May 8, 1990)

H.C.R. 51

(May 15, 1990)

H.C.R. 1

H.C.R. 2

H.C.R. 4

H.C.R. 13

H.C.R. 17

H.C.R. 22

H.C.R. 23

H.C.R. 24

H.C.R. 26

H.C.R. 32

H.C.R. 34

H.C.R. 37

H.C.R. 39

H.C.R. 40

H.C.R. 41

H.C.R. 42

H.C.R. 44

S.C.R. 11

S.C.R. 12

S.C.R. 13

S.C.R. 14

S.C.R. 15

S.C.R. 17

S.C.R. 20

(May 22, 1990)

S.C.R. 5

S.C.R. 7
 S.C.R. 8
 H.C.R. 43
 H.C.R. 46
 H.C.R. 47
 H.C.R. 48
 H.C.R. 49

Filed Without Signature of Governor
 (May 22, 1990)

H.C.R. 55

(May 24, 1990)

H.B. 91 (Effective date contingent on passage
 of S.B. 1 which did not pass)

H.B. 131 (Effective date contingent on passage
 of S.B. 1 which did not pass)

H.B. 137 (Effective date contingent on passage
 of S.B. 1 which did not pass)

BILL VETOED BY THE GOVERNOR

The following bill was vetoed by the Governor. Proclamation stating reason for this veto follows:

H.B. 150

PROCLAMATION

BY THE

GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, William P. Clements, Jr., Governor of Texas, do hereby veto **H.B. 150** because of the following objections:

The imposition of an additional one-half cent sales tax on the people of Texas is unnecessary. If this bill were to become law, Texas would have the second highest sales tax rate in the country behind only Connecticut. And, what's worse is that this tax bill falls at least \$5 billion short of paying for **S.B. 1**, the education bill which it is meant to fund. The direct result of signing this bill and **S.B. 1** into law would be to cause huge increases in local property taxes and to move the state significantly in the direction of adopting a state income tax. I believe that Texans don't want any new or additional taxes - even to pay for public education - unless they are necessary. There are sufficient revenues currently available in the Treasury to address our education crisis.

I am committed to the development and funding of an equitable and quality education system for every school child in Texas. More state funding for public education is needed in order to accomplish this goal. That is why I signed legislation last summer that increased state spending on education during the current biennium by almost half a billion dollars. And, that is why I support additional legislation that would bring the total increase in state spending during this biennium to \$750 million and would provide the structure for at least \$4.3 billion in increased funding over the next five years.

But, I will not agree to imposing a new or additional tax while other funding options exist. I have delivered to the legislature a list of recommendations identifying lapses and transfers affecting less than 1% of the state's \$49 billion budget that could be used to immediately increase public education expenditures. These lapses and transfers will not in any way affect state services. Another option that could generate new revenue for public education is a state lottery.

The funding levels outlined above and the model on which they are based were the recommendations of a bipartisan task force on education in its comprehensive report issued February 27th of this year. I created that task force by Executive Order on November 9, 1989, to address this education crisis. I want to emphasize the bipartisan nature of the task force and the qualifications of its members. Eight of the twelve task force members were appointed by the Democrat leaders of the legislature, and the other four were appointed by me. Task force members were each highly respected leaders in the areas of education, business and government.

Thus far the legislature has ignored the funding recommendations of the task force. In fact, the education bill adopted by the legislature, S.B. 1, contains a funding model which attempts to bind future legislatures to expenditure levels more than twice that recommended by the task force. I believe that an attempt to bind future legislatures in this manner is unconstitutional. Also, the attempt to pay for the S.B. 1 funding model with an increased sales tax probably violates Art. 8, Sec. 22 of the Constitution. Although the Legislative Budget Board has failed to establish the limit on appropriations as required by the law implementing this section of the Constitution, it appears that S.B. 1 would cause the rate of growth of appropriations from state tax revenues to exceed the rate of growth of the state's economy in violation of the Constitution.

I support an education bill that contains funding provisions modifying S.B. 1 along the lines of the task force recommendations. I will deliver to the legislature a draft education bill containing the financing provisions that I support. I could also support finance provisions that eliminate the complex funding formulas in current law. I will carefully consider any bill that eliminates these formulas and provides for equal access to funds based on equal levels of local tax effort regardless of the amount of local property wealth.

Spending more money alone will not fix everything that is wrong with our schools. During the last five years, total spending on education has increased more than 50%, with both the state's contribution to school districts and local property taxes rising dramatically. Yet, during that same period, neither our children's test scores nor drop-out rates have shown any measurable improvement. I commend the legislature for recognizing the need for education reforms. Based largely on task force recommendations, S.B. 1 contains reforms that would deregulate our public schools by providing for greater local control, and would give schools incentives for improving performance.

I would add a provision to the reforms in S.B. 1 that would require local voter approval for property tax increases. The average Texas homeowner already pays \$1560 per year in local property taxes, and that number

should not increase without voter approval. By way of comparison, the average Texas family pays more than \$1200 per year directly or indirectly in state sales tax, an amount that would increase to about \$1300 under H.B. 150. I would also add reform provisions to S.B. 1 to maximize relief to local schools from state mandates, require better accountability to parents and taxpayers, and improve the state's educational governance structure. With respect to the state's educational governance structure, I should note that two Attorney General Opinions, WW-324 by Will Wilson and JM-58 by Jim Mattox, indicate that the governance provisions in S.B. 1 would be unconstitutional. The reform proposals that I support are in the bill that I will deliver to the legislature. I will not sign an education financing and reform package that does not substantially contain these reforms.

I recognize that the process of developing a consensus to reform our education system is a long and difficult one. My office has worked very hard to facilitate the development of that consensus and I have expressed very clearly my positions on the key issues. We participated actively during the task force hearings and persuaded the task force to recommend many of the reforms contained in its final report. I called the legislature into special session the very day that I received the task force report, and I will keep them here until a solution is reached. I have met with Lt. Governor Hobby and Speaker Lewis at least once a week for several months primarily to discuss the progress on education and reform. We have worked closely with key senators and house members and have persuaded many of them to support important education reforms in the legislation. I have repeatedly stated my position on no new taxes, and my staff has laid out my non-tax plan to both the House Appropriations Committee and the Senate Finance Committee to pay for the first year of an education bill.

In closing, I respectfully urge the legislature to carefully consider the education reforms and funding options that I support. My solution will not require any new statewide taxes, nor will it permit local property taxes to be increased without voter approval. I will continue to work with the legislature to implement and pay for a better education system. Urgent attention is needed so that no schools need to borrow funds or use reserves to remain open. There are no higher stakes than the future of the children of Texas.

The Secretary of State shall take notice of this action and notify the legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 1st day of May, 1990.

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

/s/George S. Bayoud, Jr.
George S. Bayoud, Jr.
Secretary of State

**SENATE BILLS AND SENATE JOINT RESOLUTIONS,
AUTHORS OF****(In Alphabetical Order of Authors)**

(Note — See “History of Senate Bills” and “History of Senate Joint Resolutions” for History of Bills and Resolutions.)

ARMBRISTER, SENATOR KEN

S.B. 52 — Relating to the authority of navigation districts.

BARRIENTOS, SENATOR GONZALO

S.B. 46 — Relating to the imposition of court costs in certain criminal cases for the funding of the crime stoppers assistance account; making an appropriation.

S.B. 47 — Relating to the creation, administration, powers, duties, operation, and financing of the Williamson-Travis Counties Water Control and Improvement District No. 1.

S.B. 48 — Relating to the creation, administration, powers, duties, operation, and financing of the Glen Rose Water Control and Improvement District No. 1.

S.B. 49 — Relating to exempting from ad valorem taxes property owned or leased by certain cooperative research and development organizations.

S.B. 80 — Relating to a student health services building fee at the University of Texas at Austin.

BIVINS, SENATOR TEEL

S.B. 58 — Relating to property rights in, and the establishment of a wildlife management area along and in the vicinity of, the Canadian River bed; making an appropriation.

BROOKS, SENATOR CHET

S.B. 33 — Relating to the administration of medications by nursing students and medication aide trainees to residents of nursing and convalescent institutions and patients of home health agencies; making an appropriation.

S.B. 34 — Relating to emergency appropriations for the court-appointed volunteer advocate program administered by the Office of Court Administration of the Texas Judicial System.

S.B. 35 — Relating to the Children’s Trust Fund of Texas Council and to transferring appropriations relating to the children’s trust fund.

S.B. 39 — Relating to tuition and fee payments at institutions of higher education.

S.B. 40 — Relating to registration with the Board of Tax Professional Examiners of certain persons performing studies of school district property values.

S.B. 41 — Relating to appraisal district and school district reports concerning taxable property values.

S.B. 42 — Relating to the creation of a special fund for forfeiture proceeds and